

Atty:

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PATENT  
14369.1USU1

IN THE UNITED STATES PATENT AND TRADEMARK DEPARTMENT

Applicant or Patentee: **Thomas H. Quinn**  
Serial No.:  
Filed:  
For: **Low Odor, Light Color, Disposalbe Article Construction  
Adhesive**  
Examining Group: **1713 (proposed)**  
Examiner: **To Be Assigned**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Group Director, Group 1713 (MPEP § 1002.02(c))

**PETITION TO MAKE SPECIAL FOR NEW APPLICATION**  
**UNDER MPEP § 708.02 (VIII)**

**1. Petition**

Applicant hereby petitions to make this application, which has not received any examination by the Examiner, special.

**2. Claims**

- (a) ☒ All the claims in this case are directed to a single invention.
- (b) ☒ If the Office determines that all claims presented are not obviously directed to a single invention, applicant will make an election without traverse as a prerequisite to the grant of special status.
- (c) ☒ If claim(s) are found not to be examinable, Applicant elects claims 5-19 without traverse.

**3. Search**

A search has been made by:

- (d) ☒ inventor
- (e) ☒ attorney
- (f) ☐ professional searcher
- (g) ☐ foreign patent office

in the following:

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- (h) ☒ field of search is identified and set forth in the Attached Declaration submitted herewith.
- (i) ☒ publications
- (j) ☐ search by corresponding foreign patent office or at the former International Patent Institute at The Hague, Netherlands

#### 4. Copy of References

There is submitted herewith a copy of the references deemed most closely related to the subject matter encompassed by the claims. The references are divided into three groups, closest compositions, related hot melt adhesives and general disposable article references.

- ☒ Also attached is an Information Disclosure Statement; including Form PTO-1449 listing all the references described below.

#### 5. Detailed Discussion of the Closest References

The following is a detailed discussion of the references, which discussion particularly points out how the claimed subject matter is distinguishable over the references.

##### I. PATENTS

In the first group, Quinn et al., U.S. Patent Publication No. US 2003/0139516 A1 teach certain hot melt adhesives utilizing a high glass transition temperature resin. The application discloses a very broad range of materials (paragraphs 0022-0055), but exemplifies materials in the examples as follows:

- |                   |  |
|-------------------|--|
| Example 1:        | EVA Polymer Melt index of 400 g-10 min <sup>-1</sup>   |
| Example 2:        | EVA Melt index of 400 g-10 min <sup>-1</sup>   |
| Examples 3 and 4: | EVA Melt index of 400 g-10 min <sup>-1</sup>   |
| Example 5:        | EVA Melt index of 1000 g-10 min <sup>-1</sup> ; and<br>uses a plasticized ethylene-propylene copolymer |
| Examples 8-10     | Similar to Ex. 5   |
| Examples 11-13    | Melt index of 400 g-10 min <sup>-1</sup> ; and<br>uses an $\alpha$ -olefin polymer.                    |

Applicants assert that the materials exemplified by the Quinn et al. patent publication comprise polymers having a melt index less than 1000 in combination with a variety of plasticizers and high melt tackifier.

Quinn et al., U.S. Patent No. 6,582,829 teach certain hot melt adhesives utilizing an ethylene  $\alpha$ -olefin (EAO) polymer. The application discloses a very broad range of materials (see Col. 2, line 50 - Col. 9, line 67), but exemplifies materials (but also see, Table A in Col. 10) in the examples as follows:

Examples 1-13:	About 2.5 -25 wt% Block or EAO Polymer and EAO Melt index of 500 g-10 min <sup>-1</sup>
Examples 15-21	25-31 wt% total polymer
Examples 22-24:	Less than 21% EAO polymer Melt index of 1000 g-10 min <sup>-1</sup>
Examples 25-31:	All EAO or excess Kraton (Block) over EAO Polymer; less than 21% EAO polymer Melt index of 1000 g-10 min <sup>-1</sup>

Applicants assert that the materials exemplified by the Quinn et al. patent comprise a blend of excess Block copolymer over ethylene  $\alpha$ -olefin polymer and use polymers having differing melt index with a variety of plasticizers and high melt tackifier.

Dubois et al, U.S. Patent No. 6,107,430 teach a broad range of proposed formulations beginning at Column 5, extending through Column 7, line 39 and exemplifies the materials at Table XII, Samples 28 through 41 and Table XIII, Samples 42 through 51, Table XIV, Table XV, Table XVI, Table XVII, and XVIII. In each of these Tables, the ethylene-octene polymers used have a use amount of less than 33 wt% (see Tables I and II in Column 26). The patent teaches a 1000 melt index ethylene octene copolymer combined with a tackifying resin, a wax and an antioxidant material.

Werenicz et al., U.S. Patent No. 6,120,887 teach hot melt adhesive compositions using polymers characterized in Table A in Column 17. The polymers utilized typically have a melt indices less than 30 grams per 10 minutes. Except for blends of polymers shown resulting in a blended material having a melt index less than 1000. On the whole, the materials exemplifying the adhesives are shown in the tables from Table III B at Column 23 through Table III D at Column 27. On the whole, these exemplary materials generally contain less than 40% of a low MI (high molecular weight) polymer material.

Jialanella et al., U.S. Patent No. 6,300,398 relates to an ethylene  $\alpha$ -olefin polymer composition. The materials are disclosed for use in a mixture with a wax and a nucleating agent to improve elongation at break of the polymer material. While the disclosure mentions the use of these materials in adhesives, no specific formulatory strategies are shown in the reference. Polymer compositions in the form of mixtures of materials are shown in the patent from Column 20, line 50 through Column 24, line 27.

Dubois et al., U.S. Patent No. 6,319,979 teach low application temperature hot melt adhesives including an ethylene  $\alpha$ -olefin polymer material. The patent has a very broad disclosure, but discloses exemplary materials beginning at Column 25, line 62 through Column 30, line 36. As a whole, the materials have less than 33% of the ethylene octene polymer (having a 1000 gr-10 min<sup>-1</sup> melt index). In Table III in Column 28 further shows additional examples using polymer melt index materials of 500 or 1000 gr-10 min<sup>-1</sup> in amounts less than 33 wt%.

Ahmed et al., U.S. Patent No. 6,534,572 show compositions comprising a thermoplastic component and a superabsorbent polymer material. This material is used in absorbent articles such as disposable diapers, feminine products and medical dressings. The composition includes a superabsorbent polymer that is a thermoplastic, but when used in an absorbent layer, absorbs water and swells. The patent teaches a wide range of thermoplastic polymer materials and the adhesive compositions. The materials are exemplified beginning at Column 15, line 55 through Column 25, line 34. As a whole, the disclosure suggests ethylene octene polymers having a melt index of 1 to 5.

Kroll et al., U.S. Patent No. 6,579,915 teach certain radiation cured hot melt adhesives utilizing low application temperatures. The application discloses a very broad range of materials, but a vinyl modified block polymer:

Examples use a KX-222CS a polymer having vinyl substituent for radiation cross-linking.

The second group comprises a series that represent the state of the art as it relates to the generic class of hot melt adhesives and specifically adhesives made from ABA block copolymers, ethylene-  $\alpha$  olefin copolymers, ethylene-acrylic copolymers and ethylene-vinyl acetate copolymers. On the whole, these patents teach a very broad range of materials but fail to suggest that an adhesive having adequate construction properties can be made with a claimed amount of polymer

combined with a very high melting tackifier and particularly in the absence of a plasticizing ester or plasticizing oil.

The third group are patents relating to films corrugations and Disposables teaching generic adhesive materials with no description of the composition.

### III. NON-PATENT PUBLICATIONS

A Kraton Rubber MSDS and Septon polymer brochure teach basic polymer properties and uses with little hot melt formulation information.

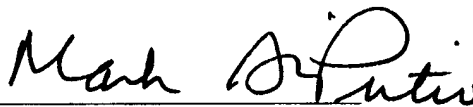
#### 6. Fee

The fee required by 37 CFR 1.17(i)(2) is to be paid by:

- the attached check for \$130.00
- Please charge any additional fees to Deposit Account No. 13-2725.

Respectfully submitted,

25 Sept 03  
Date

  
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